

We are in a race against time to find new antibiotics before microbes become resistant to those already in use. We need to increase research on how microbes become resistant to antibiotics and on new ways to fight resistant infections. If we slow the rate at which existing antibiotics are losing their effectiveness and accelerate the pace of discovery, we can win the race against antimicrobial resistance.

The measures we take against microbes resistant to antibiotics will also allow the nation to respond more effectively to terrorist attacks using biological weapons. America is a nation at risk from bioterrorism. A deadly disease plague released into a crowded airport, shopping mall or sports stadium could kill thousands. A contagious disease like smallpox released in an American city could kill millions.

To fight such attacks effectively, we must strengthen the nation's ability to recognize, diagnose and contain outbreaks of infectious disease. The additional funds that the Cochran-Frist-Kennedy amendment provides to state and local public health agencies will improve their ability to combat any disease outbreak, whether caused by microbes resistant to antibiotics, new diseases like West Nile fever, or deliberate attacks using biological weapons.

The need is urgent to begin to arm ourselves for the fight against infectious disease, bioterrorism, and microbes resistant to antibiotics. I urge my colleagues to support the amendment.

#### EDUCATION SPENDING AUTHORIZATION AND APPROPRIATIONS

Mr. KENNEDY. Mr. President, tomorrow we are going to be addressing the Labor-HHS-Education appropriations bill. In that legislation, we will have allocations of resources to fund the Federal participation in education. The federal government provides only 7 cents out of every dollar spent on education at the local level. But those are important funds for many different communities.

I regret very much that we are taking up this appropriations bill for education, before we have completed action on the authorizing bill, the Elementary and Secondary Education Act. It seems to me that we are putting the cart before the horse. We should have had a good debate and resolved the issues on education policy before funding them. Instead, we are now addressing appropriations before we even have the authorizations in hand. There are important policy issues and questions that ought to be resolved.

At the outset, I thank our friends on the Appropriations Committee for the resources they provided in a number of different programs. But I believe some programs were underfunded in the allocation of resources.

The budget is established by the majority. In this case, it was decided by

the Republican majority. The Republican Budget Resolution shortchanged education programs in order to pay for unwise tax cuts for the wealthy. In the Resolution, the Republican majority imposed cuts of more than 6%—more than \$100 billion over the next five years—in discretionary spending, including education programs.

As a result of this resolution, the allocation for education is too low. Because of that inadequate allocation, the Senate Appropriations Committee was forced to make unwise cuts in key education and other discretionary programs. This \$100 billion in order to afford a tax cut for wealthy individuals is the wrong priority.

That is what a good deal of the debate is going to be about—about whether we think we ought to have further tax cuts for wealthy individuals or whether we ought to invest in the education of the children of this country. I believe we ought to invest in the children of this country.

We didn't get the kind of allocation in the Appropriations Committee that we should have, and we are going to find, once this is approved, that it will go to the House, which has had a very significant reduction in terms of allocating resources. We are going to find further cuts in education. That troubles me.

If you look over the past years, we will see what has happened in the history of cutting education funding in appropriations bills.

We have seen, going back to 1995 when the Republicans took control of the Senate, that we had a rescission. We had money already appropriated. But then we had a rescission of \$1.7 billion below what was actually enacted in 1995.

In 1996, the House bill was \$3.9 billion below 1995.

In 1997, the Senate bill was \$3.1 billion below what the President requested.

In 1998, the House and Senate bill was \$200 million below the President's request.

In 1999, the House bill was \$2 billion below the President's request.

In 2000, the House bill was \$2.8 billion below the President's request.

In fiscal year 2001, it is \$2.9 billion below the President's request.

We have all of the statements being made by the Republican leadership about how important education is in terms of national priorities. We have our Republican Majority Leader, going back to January 1999, saying, "Education is going to be a central issue this year. . . . For starters, we must reauthorize the Elementary and Secondary Education Act. That is important."

That was the bill which was set aside in May of this year. Some six weeks later, we still haven't had it back in order to be able to debate it.

In remarks to the Conference of Mayors, the majority leader said: "But education is going to have a lot of atten-

tion, and it's not going to be just words. . . ."

June 22, 1999: "Education is number one on the agenda for Republicans in the Congress this year. . . ."

Then remarks to the Chamber of Commerce on February 1, 2000: "We're going to work very hard on education. I have emphasized that every year I have been majority leader. . . . And Republicans are committed to doing that."

National Conference on State Legislatures, February 3: "We must reauthorize the Elementary and Secondary Education Act. . . . Education will be a high priority."

April 20, the Congress Daily: "LOTT said last week his top priorities in May include an agriculture sanctions bill, Elementary and Secondary Education Act reauthorization, and passage of four appropriations bills."

May of this year: "This is very important legislation. I hope we can debate it seriously and have amendments in the education area. Let's talk education."

Then, on May 2, on elementary and secondary education: "Have you scheduled a cloture vote on that?" Senator LOTT: "No, I haven't scheduled a cloture vote. . . . But education is number one on the minds of the American people all across this country and every State, including my own state. For us to have a good, healthy and even a protracted debate on amendments on education, I think is the way to go."

This is the record. We still don't have that debate. That was 6 weeks ago. We had 6 days of debate, and 2 days of the debate were without any votes at all. We had eight amendments, and three of those we were glad to accept.

We have effectively not had the debate on education. Here we are on Monday afternoon before the Fourth of July recess, and we have the appropriations bills up with a wide variety of appropriations to support the agencies in areas of health and of education. I believe we are giving education policy short shrift. You can't draw any other conclusion—short shrift.

We were prepared to spend 15 days on bankruptcy reform but only 6 days on education—and for 2 days we couldn't vote. 15 days on bankruptcy and 53 amendments; 4 days where we had amendments on elementary and secondary education and only 8 amendments.

That is an indication of priorities. I take strong exception. I think the American people do as well.

Money in and of itself doesn't solve all of our problems, but it sure is an indication of where our national priorities are.

If I look over this chart, the Federal share of education funding has declined. Look at what has happened in higher education: 15.4 percent in 1980 has declined to 10.7 percent in 1999. Take elementary and secondary education. In 1980, it was 11.9 percent on

elementary and secondary education. In 1999, it was only 7.7 percent.

We have seen a decline in elementary and secondary education. We don't even spend 1 percent of our budget in support of elementary and secondary education. That is amazing.

Think of any of us going into any hall across this country in any part of our Nation. Ask about the priorities of people in that hall. They would say: We need national security, national defense. We have to deal with that. Certainly we do. Save Social Security and Medicare—absolutely. Deal with Medicaid—absolutely. But among their four or five priorities would be education.

I think Americans will be absolutely startled to find out that we are spending less than one penny out of every dollar on elementary and secondary education.

This is what has been happening. In the area of elementary and secondary education, K through 12, we have now gone from 1990 with 46.4 million students up to 53.4 million in 2000. 7 million additional students at a time when our participation is going down in favor of tax cuts instead of investing in the children of this country.

That is what is happening. As we start off on this debate, I think it is important to understand that. I think most parents across this country believe there ought to be a partnership, at the local level, the State level, and the Federal level in terms of participation.

However, we are not meeting our responsibilities. We get a lot of statements, a lot of quotes, a lot of press releases, but when the time comes in terms of the Budget Committee—which is controlled by that side of the aisle—allocating resources on education, they are not doing it. They are not walking the walk. They are talking the talk, but they are not walking the walk. That is one of the important issues dividing our political parties, unfortunately. I think the American people ought to understand that.

Tomorrow, we are going to have several education amendments. One which I will offer will be to try to strengthen the recruitment, training, and mentoring for teachers in this country. We need 2 million teachers. Last year, we hired—"we," meaning the States across this country—50,000 teachers who did not have certification in the courses they are teaching.

We believe we ought to guarantee to the families in this country that within 4 years every teacher in every public school will be certified. We are committed to that. We are going to offer an amendment on that. We think that is one of the better ways of going with education. When we look at the results, better prepared teachers stay longer. The earlier intervention occurs for teachers, the longer they will stay. If we give them continued help and assistance that is school based, they will remain longer.

Providing professional training and mentoring for the teachers is enormously helpful. If we have experienced teachers working with younger teachers in the classroom, they stay longer. This is enormously important. We ought to be debating and discussing these issues. Hopefully, tomorrow, we will.

Amendments to be offered by our colleagues include after school programs, accountability, and the digital divide. We are going to have a series of amendments regarding helping, assisting, and modernizing our schools. All these amendments are for worthwhile programs.

We need to have this debate. We need to have this expression. We need to call the roll to find out where our colleagues are going to stand on the issues involving education in this country.

We will, of course, have the opportunity to debate smaller class size with the Murray amendment. We have had bipartisan support for that in the past. I will not take the time tomorrow to place again in the RECORD all of the press releases we had from Newt Gingrich and Mr. ARMEY celebrating the fact that we would go to smaller class size. We had strong bipartisan support, but they have emasculated the program in the appropriations legislation. We will have an opportunity, hopefully, to debate that, as well.

The bill before the Senate includes \$2.7 billion for title VI block grants but eliminates the Federal commitment to reducing class size and does nothing to guarantee the funds for communities to address the urgent need for school repair and modernization.

Under the Class Size Reduction Program, the funds are distributed to school districts based on a formula that is targeted 80 percent by poverty and 20 percent by population. Under title VI, block grant funding is distributed based solely on population. It includes no provisions to target the funds to high poverty districts. It is basically a blank check—whatever the Governor wants to do with those funds—without the accountability which is so important and necessary.

I think people across this country want scarce resources utilized in an effective way, on proven, tested, effective programs that will enhance academic achievement and accomplishment. That is provided in the amendments we are going to offer tomorrow.

Better schools, a better education for all children, and making college more affordable are top priorities for the Nation's families and communities.

I regret very much that we are taking up this appropriations bill for education, before we have completed action on the authorizing bill, the Elementary and Secondary Education Act. In many ways, we are putting the cart before the horse again.

We have an opportunity this year to do our part to help local communities improve their schools by strengthening the Elementary and Secondary Edu-

cation Act. And, to Democrats, this is must-pass legislation.

The Republican majority has paid great lip service to the importance of education, but the reality is far different. We considered only eight amendments to that legislation over 6 days—and during 2 of these days, we were allowed to debate only, not vote. On May 9, the Republican leadership suddenly abandoned the debate, moved to other legislation, and haven't returned to it since then.

I hope that our Republican friends have just temporarily suspended the bill, and not expelled it. We owe it to the Nation's schools, students, parents, and communities to complete action on this priority legislation.

The Senate education appropriations bill now before us also has problems. It is a much better step towards funding education than the House bill, but it's not enough.

The Republican budget resolution shortchanged education programs in order to pay for unwise tax cuts for the wealthy. Because of the Republican budget resolution, the allocation for education is too low.

Because of that inadequate allocation, the Senate Appropriations Committee was forced to make unwise cuts in key education and other discretionary programs because of the unreasonably low funding level set for domestic discretionary programs in the budget resolution. In the resolution, the Republican majority imposed cuts of more than 6 percent—more than \$100 billion over the next 5 years—in discretionary spending. These cuts are far from necessary to curb uncontrolled federal spending. The opposite is true. We are already spending less on domestic discretionary programs as a percentage of GNP than we ever have. Republicans are seeking to impose these drastic cuts for one reason only—to fund the massive tax breaks for the wealthy.

This is not the time for cuts in education. We need to increase our investment in education to ensure a brighter future for the nation's children.

Unfortunately, the bill approved by the House of Representatives is a major retreat from all of these priorities. It slashed funding for education by \$2.9 billion below the President's request.

The House bill zeroes out critical funding to help states turn around failing schools.

It slashes funding for the 21st Century Learning Centers program by \$400 million below the President's request, denying 900 communities the opportunity to provide 1.6 million children with after-school activities to keep them off the streets, away from drugs, and out of trouble, and to help them with their studies.

It eliminates the bipartisan commitment to help communities across the country reduce class size in the early grades.

It cuts funding for title I by \$166 million below the President's request, reducing or eliminating services to

260,000 educationally disadvantaged children to help them master the basics and meet high standards of achievement.

It reduces funding for the Reading Excellence Act by \$26 million below the President's request, denying services to help 100,000 children become successful readers by the end of the 3rd grade.

It slashes funding for safe and drug free schools by \$51 million below the President's request, denying communities extra help to keep their students safe, healthy, and drug-free.

It does nothing to help communities meet their most urgent repair and modernization needs. Those needs are especially urgent in 5,000 schools across the country.

It slashes funding for GEAR UP by \$125 million below the President's request, denying more than 644,000 low-income middle and high school students the support they need for early college preparation and awareness activities.

It does nothing to increase funding for the teacher quality enhancement grants, so that more communities can recruit and train better qualified teachers.

It slashes funding for Head Start by \$600 million below the President's budget, denying 50,000 low-income children critical preschool services.

It slashes funding for dislocated workers by \$181 million below the President's request, denying over 100,000 dislocated workers much-needed training, job search, and re-employment services.

It reduces funding for adult job training by \$93 million below the President's request, denying 37,200 adults job training this year.

It cuts youth opportunities grants by \$200 million below the President's request, eliminating the proposed expansion to 20 new communities, reducing the current program by \$75 million, and denying 40,000 disadvantaged youth a bridge to skills and opportunities of our strong economy and alternatives to welfare and crime.

It slashed summers jobs and year-round youth training by \$21 million below the President's request, reducing the estimated number of low-income youth to be served over 12,000.

The Senate bill does take some positive steps towards better funding for education.

It increases the maximum Pell grant by \$350 to \$3,650.

It increases funding for IDEA by \$1.3 billion.

Although these are important increases, they are not enough. In too many other vital aspects of education, too many children and too many families are shortchanged by this bill.

Once again, the Republican leadership has put block grants ahead of targeted funding for education reforms. Block grants are the wrong approach. They prevent the allocation of scarce resources to the highest education priorities. They eliminate critical ac-

countability provisions that ensure better results for all children. The block grant approach abandons the national commitment to improve education by encouraging proven effective reforms of public schools.

Block grants are the wrong direction for education and the wrong direction for the nation. They do nothing to encourage change in public schools.

The bill includes \$2.7 billion more for the title VI block grant, but it eliminates the federal commitment to reducing class size. It does nothing to guarantee funds for communities to address their urgent school repair and modernization needs.

It is unconscionable to block grant critical funds that are targeted to the neediest communities to reduce class size. Under the Class Size Reduction program that has received bipartisan support for the past two years, funds are distributed based on a formula that is targeted to school districts 80 percent by poverty and 20 percent by population. But under the title VI block grant, funding is distributed based solely on population—it includes no provisions to target the funds to high poverty districts. This is unacceptable, when it is often the neediest students that are in the largest classes.

The national class size average is just over 22 students per class. But, in many communities—especially in urban and rural communities—class sizes are much higher than the national average.

In 1998, the publication Education Week found that half of the elementary teachers in urban areas and 44 percent of the teachers in nonurban areas had classes with 25 or more students.

A 1999 study found that 56 percent of the students in Portland, OR, in grades K through 3 were in classes with more than 25 students.

In fact, nationwide, K through 3 classrooms with 18 or fewer children are hard to find. For example, in 22 northern and northeastern counties in Kentucky, and in 5 districts in Mercer County, New Jersey, less than 15 percent of the children are in classes of 18 or less. Class size in New York City is an average of 28 students per class.

The federal Class Size Reduction program is making a difference. For example, in Columbus Ohio, class sizes in grades 1 through 3 have been reduced from 25 students per class to 15 students per class.

We need to invest more in this program, so that communities can continue to reduce class sizes. We should not block grant the program. If we do, it will no longer be targeted to the neediest communities, and parents will no longer be guaranteed that their children will be learning in smaller classes.

In addition, it is wrong to put the \$1.3 billion that the President requested for repairing and modernizing schools into the title VI block grant. We need to target school modernization funds to the neediest communities, and the title

VI block grant will not do that. Parents need a guarantee that they will get the support they need to help their children to school in buildings that are modern and safe, and are not overcrowded.

The bill also falls short in other areas.

It fails to increase the national investment in improving teacher quality. It provides only level funding for the teacher quality enhancement grants that are helping colleges and communities recruit and train prospective teachers more effectively.

It cuts funding for the 21st Century Community Learning Centers by \$400 million below the President's request, denying 1.6 million children access to after-school programs.

It slashes funding for GEAR UP by \$100 million below the President's request. That reduction will deny 407,000 low-income middle and high school students the help they need to go to college and succeed in college.

It slashes the title I Accountability program by \$250 million below the President's request, eliminating critical funding for states to turn around failing schools.

It slashes funding for dislocated workers by \$181 million below the President's request. As a result, 100,000 American workers who lost their jobs because of down-sizing or business relocation will go without the important services that they need to find adequate employment in their communities.

It also slashes funding for youth opportunity grants by \$125 million below the President's request, denying 27,000 youth in high-poverty communities access to vital education, training, and employment assistance, and eliminating the proposed expansion of the program to up to 15 new communities.

We should be doing more, not less, to improve public schools, to help make college affordable and accessible to every qualified student, and to increase training opportunities for the Nation's workers.

School and communities are already stretching their budgets to meet rising needs.

Nearly one third of all public schools are more than 50 years old. Fourteen million children in a third of the Nation's schools are learning in substandard buildings. Half of all schools have at least one unsatisfactory environmental condition.

The problems with crumbling school buildings aren't just the problems of the inner city. They exist in almost every community—urban, rural, and suburban.

In addition to modernizing and renovating dilapidated schools, many communities need to build new schools, in order to keep pace with rising enrollments and to reduce class sizes. Elementary and secondary school enrollment has reached an all-time high again this year of 53 million students. Enrollment will continue to rise over

the next ten years. The number will increase by 324,000 in 2000, by 282,000 in 2001, and by 250,000 in 2002—and it will continue on an upward trend in each of the following years.

To meet this urgent need, the Nation faces the challenge of hiring more than 2 million new teachers over the next ten years. According to the Urban Teacher Challenge Report, released by Recruiting New Teachers last January, almost 100 percent of the 40 urban school districts surveyed have an urgent need for teachers in at least one subject area. Ninety-five percent of urban districts report a critical need for math teachers. Ninety-eight percent report a need in science. Ninety-seven percent report a need for special education teachers.

Unfortunately, the need for new teachers in 1998 was met by admitting 50,000 unqualified teachers to the classroom. And nearly 50 percent of those who do enter teaching, leave the profession within 5 years.

Parents, schools, and communities also need special help in providing after-school activities. Each day, 5 million children, many as young as 8 or 9 years old, are left home alone after school. Juvenile delinquent crime peaks in the hours between 3 p.m. and 6 p.m. We know that children left unsupervised are more likely to be involved in anti-social activities and destructive patterns of behavior.

The Nation's schools need more help to meet all of these challenges.

In addition, many families across the Nation are struggling to put their children through college. The burden of education debt is rising. Eight million seven hundred thousand students borrowed \$32 billion in 1999 alone.

Only 53 percent of students with a family income below \$25,000 go on to higher education, and only 26 percent—1 in 4—go on to 4-year colleges. But 90 percent of students with family income above \$74,000 attend college. The opportunity for a college education should not be determined by the level of family income. Any student who has the ability, who works hard, and who wants to attend college should have the opportunity to do so.

We need to do more to fund programs such as GEAR UP that help make college a reality for more young people.

We also need to do more to help American workers who have lost their jobs because of down-sizing or business relocation to find other good jobs in their communities. Companies are doing more hiring and firing simultaneously than ever before. Workers need a new set of skills, and globalization is driving more work abroad. Greater services for dislocated workers will guarantee that workers have the skills they need as we move full speed into the information-based economy. It will also help us respond to employer needs during the current labor shortage by having an efficient labor exchange system and retraining programs.

We must also do more to emphasize keeping young people in school, increasing their enrollment in college, and preparing and placing these young people in good jobs. Only 42 percent of

dropouts participate in the labor force, compared to 65 percent of those with a high school education and 80 percent of those with a college degree.

Next week, when we have the opportunity to address education in the pending Senate appropriations bill, Democrats will offer amendments to address as many of these critical needs as possible.

I intend to offer an amendment to increase funding for title II of the Higher Education Act, to help communities recruit and train prospective teachers and put a qualified teacher in every classroom. In addition, I will offer an amendment to increase funding for skills training programs by \$792 million to ensure that the Nation's workers get the support they need in today's workplace.

Senator MURRAY will offer an amendment to continue the bipartisan commitment we have made over the last two years to help communities reduce class size in the early grades.

Senator HARKIN and Senator ROBB will offer an amendment to ensure that communities get the help they need to meet their most urgent repair and modernization problems.

Senator DODD will offer an amendment to increase funding for the 21st Century Learning Centers program, so that more children will have the opportunity to attend after-school activities.

Senator BINGAMAN will offer an amendment to help states turn around failing schools.

Senator REED will offer an amendment to increase funding for the GEAR UP program, so that more children will be able to attend college.

Other colleagues will offer additional amendments to increase the Nation's investment in education.

The time is now to invest more in education. The Nation's children and families deserve no less.

#### PATIENTS' BILL OF RIGHTS

Mr. KENNEDY. Mr. President, I will take a few moments on another subject, the issue of our Patients' Bill of Rights.

A short while ago, we had an opportunity to vote on the issues on a Patients' Bill of Rights. This was basically as a result of the fact that the conference in which we are involved had reached a dead end and was going nowhere. It wasn't only my assessment of that development, but the conclusion of a great number of the conferees as well, not just the Democrats, but also those who had supported an effective Patients' Bill of Rights in the House of Representatives, Dr. NORWOOD and Dr. GANSKE. We offered an amendment on the floor, and we failed by one vote.

Now we understand the Republicans have decided that effectively they are not going to participate with the Democrats at all. They are writing their own bill. We had indicated we were still willing to participate. We wanted to get a bill.

It is interesting that the 300 organizations that represent the doctors, the patients, the nurses, the health deliv-

ery community, have all been in support of our position. They have not had a single medical organization that has supported the position taken by the Republican leadership in the Senate.

When we talk about bipartisanship, I think we ought to do what the medical professions, the patient organizations, and common sense tell us to do—to listen to doctors and nurses who have had training and follow their recommendations, rather than accountants for HMOs. That is what this bill is basically about.

In the Patients' Bill of Rights, we have outlined the various areas where we think patients need protection. We have asked those who have not been supportive of our position to spell out which protections they don't wish to provide for the American people. One, for example, is to make sure all patients are going to be covered. That is a rather basic and fundamental issue. It shouldn't take a long time to debate and discuss that. The House bill provided for comprehensive coverage for all of the patients and holds plans accountable. That seems to be common sense. Again, that was in the bipartisan bill in the House of Representatives.

In the category of access for specialists, we see a situation where a child has cancer; we want to make sure the child will see a pediatric oncologist. They ought to be able to get the specialist. We certainly have that opportunity for Members of the Senate. We ought to be able to understand that. We should guarantee the specialists.

Access to clinical trials. We are in a period of great opportunities for breakthroughs in research. The only way that breakthroughs get from the laboratory to the patient is through clinical trials. We ought to guarantee it. We don't need to study the question of clinical trials.

Access to OB/GYNs. That is common sense.

Prohibition on gag rules. We are going to take the gag off our doctors who have been trained to provide the best in medicine. They shouldn't be gagged by accountants for HMOs.

Emergency room access, another area of importance.

These are some of the points that are guaranteed.

Perhaps some of these are protections that our Republican friends don't want to guarantee. We wish they would state which ones. Why do we have to do it behind closed doors? Why not come out here and say which ones they don't want to guarantee, have some votes in the Senate, and then get legislation passed?

However, we have been buried in the darkness of our offices. We ought to have an opportunity to have matters decided or stated. These protections should be available to every American. Those Members representing our side of the aisle are committed to that. Republicans and Democrats alike in the House of Representatives were in support of it. A third of the Republicans voted for that and a few courageous Republicans in this body supported that position as well.